

ANNUAL STATEMENT

Of the Liverpool and London and Globe Insurance Co., of Liverpool, England for the year ending Dec. 31, 1905.

Capital paid up in U. S.	\$12,233,948.25
Assets	461,602.88
Liabilities exclusive of capital and net surplus	6,972,668.49
Income	
Premiums	6,804,856.63
Other sources	10,955,269.33
Total income 1905	7,266,459.51
Expenditures	
Losses	5,519,143.50
Dividends, none in the U. S.	
Other expenditures	2,277,920.96
Fire Business	
Risks written	998,746,932.00
Premiums thereon	10,955,269.33
Losses incurred	3,455,760.33
Nevada Business	
Risks written	553,955.00
Premiums received	18,085.35
Losses paid	3,255.00
Losses incurred	8,255.00

GEO. H. MOORE, Sec'y.

ANNUAL STATEMENT

Of the Western Assurance Company of Toronto, Canada.

Assets	\$24,678.38
Liabilities, exclusive of capital and net surplus	1,701,194.00
Income	
Premiums	2,458,857.49
Other sources	71,450.25
Total income 1905	2,530,307.74
Expenditures	
Losses	1,543,404.07
Other expenditures	846,145.92
Total expenditures	2,389,549.99
Business 1905	
Risks written	3,404,284.95
Losses incurred	1,141,438.42
Nevada Business	
Risks written	70,619.00
Premiums received	2,280.50
Losses paid	835.50
Losses incurred	1,335.50

C. C. FOSTER, Sec'y.

ANNUAL STATEMENT

Of the National Surety Co. of New York, N. Y.

Samuel H. Shriver, Sec'y.

Capital deposited	\$500,000.00
Assets	2,246,713.88
Income	
Liabilities, exclusive of capital and net surplus	1,276,553.47
Premiums	1,211,621.50
Other sources	127,222.00
Total income 1905	1,338,843.50
Expenditures	
Paid policy holders	452,628.42
Other expenditures	612,392.42
Total expenditures	1,065,020.84
Business 1905	
Risks written	424,737,976.93
Premiums thereon	1,338,843.50
Losses incurred	660,581.19
Nevada Business	
Am't of risks written	31,500.00
Premiums received	159.50
Am't of risks written	52,150.00

GILBERT CONDON, Asst. Sec'y.

ANNUAL STATEMENT

Of the Mutual Life Insurance Company of New York.

Assets	\$170,861,165.30
Liabilities	470,881,905.90
Income for 1905	85,064,992.88
Disbursements 1905	
Paid policy holders	35,443,143.47
Paid on all other accounts	15,429,781.80
Adjustment of Real Estate valuations June 30	5,000,000.00
Total disbursements	55,872,926.27
Nevada Business	
Number of risks written	57
Amount of risks written and paid for	114,805.00
Premiums received	71,320.25
Losses and claims paid	19,438.15
Losses and claims incurred	32,438.15
Policies in force Dec. 31, 1905	859
Am't of same	1,783,830.00

W. J. EASTON, Sec'y.

OFFICIAL COUNT OF STATE FUNDS, STATE OF NEVADA.

County of Ormsby, s. s.

John Sparks and W. G. Douglas being first duly sworn say they are members of the Board of Examiners of the State of Nev., then on the 27th day of Feb. of this year, after having ascertained from the books of the State Controller the amount of money that should be in the Treasury made an official examination and count of the money and vouchers for money in the State Treasury of Nevada and found the same correct as follows:

Coin	257,242.50
Paid coin vouchers not returned to Controller	40,911.76
Total	298,154.26
State School Fund Securities	
Irredeemable Nevada State School bonds	350,000.00
Mass. State 3 per cent bonds	537,000.00
Nevada State Bonds	255,700.00
Mass. State 3 1/2 per cent bonds	313,000.00
United States Bonds	215,000.00
Total	1,996,854.66

W. G. Douglas
John Sparks

Subscribed and sworn before me this 27th day of Feb., A. D. 1906.

J. Doane,
Notary Public, Ormsby County, Nev.

Custom suits and overcoats will be sold at reduced prices—and reasonable time given for payment.

advantage in waiting—put in receive your goods

IN THE SUPREME COURT OF THE STATE OF NEVADA.

Ebenezer Twaddle and Ebenezer Twaddle as Special Adm'r, of the Estate of Alexander Twaddle, deceased,

Plaintiffs and Respondents

Theodore Winters, A. C. Winters, L. W. Winters and Samuel Longbaugh,

Defendants and Appellants

From 2d Judicial District Court, Washoe County.

Messrs. Cheney and Massey, attorneys for Plaintiffs.

Alfred Chantz, attorney for Defendants.

DECISION

The respondents have moved to dismiss the appeal from the judgment because it was not taken within one year, and to dismiss the appeal from the order of the district court denying appellants motion for a new trial, also to strike from the records the statement on motion for a new trial, upon the ground that the statement was not filed within the time prescribed by law. The appeal from the judgment is dismissed because not taken until March, 1905, more than one year after its rendition on June 23, 1902. On that day Judge Currier of the Second Judicial District court who had tried the case at Reno and rendered the decree, made in open court and had entered in the minutes an order "that all business and all cases and proceedings that have not been completed or in the process of completion, and all new business that may be brought before the court during the absence of the presiding judge, be referred to Judge M. A. Murphy of the first judicial district court of the State of Nevada, and that he be requested to try, determine and dispose of all cases and business now before the court in the absence of the judge of this district."

Pursuant to this request Judge Murphy occupied the bench in Reno until July 31, 1903, when a recess was taken until a further order of the court. There was no other session until Judge Currier's return on August 17th. On July 17th, Judge Murphy, in open court in Reno, made an order allowing plaintiff until August 15th in which to file objection to findings, and prepare additional findings. On August 3d Judge Murphy at Carson City, and within his own first judicial district, by an ex parte order made without affidavit of Judge Currier's absence or inability, granted the defendants until September 15, 1903, within which to prepare, file and serve their notice and statement on motion for a new trial. Later extensions were made by Judge Currier, but whether they are effective depends upon this order, which respondents claim Judge Murphy was unauthorized to make under Section 197 of the Practice Act which provides in regard to notices and statements on motions for new trial that "the several sections of time limited may be enlarged by the written agreement of the parties, or upon good cause shown, by the court, or the judge before whom the case is tried; and under district court rule XLIII which directs that "no judge, except the judge having charge of the cause or proceeding shall grant further time to plead, move, or do any act or thing required to be done in any cause or proceeding, unless it be shown by affidavit that such judge is absent from the court, or from some other cause is unable to act."

Rule XLII provides: "When any district judge shall have entered upon the trial or hearing of any cause or proceeding, demurrer or motion, or made any ruling, order or decision therein, no other judge shall do any act or thing in or about said cause, proceeding, demurrer or motion, unless upon written request of the judge who shall have first entered upon the trial or hearing of said cause, proceeding, demurrer or motion."

Section 2573 of the Compiled laws, passed after section 197 of the Practice Act as quoted, enacts: "The district judges of the State of Nevada shall possess equal coextensive and concurrent jurisdiction and power. They shall each exercise and perform the powers, duties and functions of the court, and of Judges thereof, and of Judges at Chambers. Each judge shall have power to transact business which may be done in chambers at any point within the State. All of this section is subject to the provisions that each judge may direct and control the business in his own district, and shall see that it is properly performed."

We think under the minute order and circumstances related, the power inherent in Judge Currier to extend the time of filing the notice and statement became conferred upon Judge Murphy during the former's absence, and that Judge Murphy became the judge in charge, endowed with the authority to grant the extension without the presentation of the affidavit showing the absence or inability of Judge Currier, as the rule requires before the order can be made by a Judge not having the business in charge.

Judge Currier's absence was presumed to continue until his return was shown and consequently Judge Murphy's authority based upon that absence would likewise continue. It is said that under the first statute mentioned, the language that "the court or judge before whom the case was tried" may extend the time invalidates the order, because Judge Murphy was not the judge before whom it was tried, and that he was not the court after he returned to Carson City, where he made the order. In a narrow technical sense this may be true, if we do not look beyond the strict letter of the statute. But not so if we consider the intent and purpose of the enactment, and construe it in the light of reason as applied to the ordinary rules of practice, and give due weight to the later section. Apparently the object of this legislation was to prevent the granting of extensions and the meddling of judges in cases which they had not tried or which were not properly under their control, and yet in the case of the absence or inability of the judge who tried the action, to grant relief, or allow extensions to be made to deserving litigants.

The argument advanced concedes that if Judge Murphy had gone to Reno and entered the order in open court it would have been good, but under this contention if he had stepped through the door into the chambers and made it, it would have been void. Orders extending the time for filings are business usually, or properly transacted in chambers and under Section 2573 can and ought to be made as effectually in any part of the State by the judge having the case in charge, as if made by him in chambers or in open court. Judge Murphy was merely acting for Judge Currier during his vacation, but by analogy the construction claimed, if adopted, would, in every case where a district judge dies, resigns or is succeeded, invalidate the orders extending time under section 197 made out of court by his successor in office, although they are of that character ordinarily granted in chambers. This would mean a distinction and two rules for filing orders of the same kind, and that the judge who had tried the case as Judge Currier had done in this instance, could make the order in chambers, while his successor could make it only in the cases tried by him, and would have to be in court to make these simple orders extending time in actions which had been previously tried by another judge.

Appellants desired and were entitled to the time granted for the purpose of enabling them to secure from the court reporter who had left the State, a transcript of the testimony given on the trial, which would enable them to properly prepare the statement.

Under Section 2573 Judge Currier could have made an order granting them the extension at any place in the State, and as during his absence Judge Murphy was requested by the court minutes to attend to all business for him, we conclude that he was empowered to make the order at Carson City as he did, and as Judge Currier could have done, and that it was not necessary for him to make the trip to Reno and undergo the formality of opening court to enter ex parte orders simply extending time, such as are usually made out of court.

The motion to dismiss the appeal from the order overruling the motion for a new trial and to strike out the statement is denied.

ANNUAL STATEMENT

Of the Munich Re Insurance Co. of Munich, Bavaria.

United States department, 346 Broadway, New York.

Deposited with Ins. Department, New York.

Deposits with United States

Trustees	3,056,000.00
Assets	4,097,095.00
Liabilities, exclusive of capital and net surplus	2,807,874.24
Income	
Reinsurance premiums	3,412,629.14
Other sources	172,956.59
Total income 1905	3,585,585.73
Expenditures	
Losses	2,019,052.85
Dividends	none
Other expenditures	1,112,257.47
Total expenditures, 1905	3,131,310.32
Business 1905	
Risks written	240,195,386.40
Reinsurance premiums thereon	4,261,697.18
Losses incurred	2,282,499.85

Nevada Business

Reinsurances accepted from Companies authorized to do business in Nevada.

O. EHLMANN, Asst.

ANNUAL STATEMENT

Of the North British & Mercantile Ins. Co. of London & Edinburgh.

For the year ending December 31, 1905

Deposited in United States

Assets	\$200,000.00
Liabilities, exclusive of capital and net surplus	6,677,905.77
Income	
Premiums	3,860,278.05
Other sources	212,315.45
Total income, 1905	4,072,593.50
Expenditures	
Losses	1,889,488.41
Dividends	none
Other expenditures	1,329,115.70
Total expense	3,218,604.11
Business 1905	
Risks written	562,246,792.00
Premiums thereon	5,249,492.00
Losses incurred	1,861,090.36
Nevada Business	
Premiums received	3,930.70
Losses paid	1,824.52
Losses incurred	2,181.52

TOM G. GRANT, Gen'l Agt.

ANNUAL STATEMENT

Of the State Insurance Company of the State Life Insurance Company of Indianapolis, Indiana.

Capital (paid up)	none
Assets	\$4,126,682.20
Liabilities, exclusive of capital and net surplus	3,521,365.61
Income	
Premiums	2,521,357.10
Other sources	208,553.96
Total income, 1905	2,729,911.06
Expenditures	
Losses	636,594.25
Dividends	none
Other expenditures	1,125,693.07
Total expenditures, 1905	1,762,287.32
Nevada Business	
Risks written	433,500.00
Premiums received	17,742.10

WILLIAM S. WOOD, Secretary

ANNUAL STATEMENT

Of the Home Life Ins. Co. of New York, New York.

Capital (paid up)	\$125,000.00
Assets	17,886,594.48
Liabilities, exclusive of capital and net surplus	16,582,194.41
Income	
Premiums	3,211,142.68
Other sources	829,260.70
Total income, 1905	4,040,403.38
Expenditures	
Losses and claims	1,176,506.07
Dividends	270,227.50
Other expenditures	1,222,656.72
Total expenditures, 1905	2,669,490.29
Business 1905	
Risks written	12,698,429.00
Premiums thereon	681,869.97
Losses incurred	759,291.93
Nevada Business	
Risks written	5,000.00
Premiums received	3,452.61
Losses paid	2,500.00
Losses incurred	none

E. W. SLAYDEN, Secretary

Notice of Application for Permission to Appropriate the Public Waters of the State of Nevada.

Notice is hereby given that on the 12th day of Sept., 1905, in accordance with Section 23, Chapter XLVI, of the Statutes of 1905, one Philip V. Mighels and Frank A. Wildes of Carson, County of Ormsby and State of Nevada, made application to the State Engineer of Nevada for permission to appropriate the public waters of the State of Nevada. Such application to be made from Ash Canyon creek at points in S E 1/4 of S W 1/4 of section 10 T 15 N R 19 E by means of a dam and headgate and five cubic feet per second is to be conveyed to points in N E 1/4 of S W 1/4 of section 11, T 15 N R 19 E, by means of a flume and pipe and there used to generate electrical power. The construction of said works shall begin before June 1, 1906, and shall be completed on or before June 1, 1907. The water shall be actually applied to a beneficial use on or before June 1, 1908.

Signed:
HENRY THURTELL,
State Engineer

TOURIST EXCURSION PARTIES TO THE EAST.

Over the scenic line of the World. If you are going east and want to save money, yet travel with pleasure and comfort it will pay you to invest our personally conducted tourist excursions. The parties are in charge of a Manager who accompanies the cars through the east, Chicago and the Atlantic Coast and gives his personal attention to the welfare of each passenger in his charge. The schedules are arranged so you pass through the world famous scenery on the Denver and Rio Grande Railroad by daylight. Open-top observation cars (something entirely new) are free to all passengers. Let us know where you are going and we will be glad to give you full information about your trip, the lowest rates of fare and send you free of charge some handsome illustrated books of travel.

W. J. SHOTWELL,
General Agent
625 Market Street, San Francisco, Cal.

ANNUAL STATEMENT

Of Business of the Nevada Co. for 1905

Receipts	\$12,452.65
Disbursements	117,844.37

N. M. Hickey, Cashier

ANNUAL STATEMENT

Of The Germania Life Insurance Company of New York.

Capital (paid up)	\$200,000.00
Assets	\$5,711,677.28
Liabilities, exclusive of capital and net surplus	\$3,832,487.00
Income	
Premiums	4,600,455.00
Other sources	1,519,900.18
Total income, 1905	6,120,355.18
Expenditures	
Losses & Matured Endows	2,500,000.00
Dividends	241,622.55
Other expenditures	1,811,743.42
Total expenditures, 1905	4,552,365.97
Business 1905	
Risks written	11,409,999.00
Premiums for first year	641,052.75
Death losses paid	1,337,452.08
Nevada Business	
Risks written	15,260.00
Premiums received	6,481.48
Losses paid	1,000.00
Losses incurred	1,000.00

G. HOYT, Secretary

ANNUAL STATEMENT

Of The National Life Ins. Co. of The U. S. of A.

Home office, 159 La Salle street, Chicago, Ill.

Capital (paid up)	\$1,000,000.00
Assets	6,092,500.16
Liabilities, exclusive of capital and net surplus	4,988,396.60
Income	
Premiums	1,730,567.45
Other sources	275,007.15
Total income, 1905	2,005,574.60
Expenditures	
Losses	351,485.76
Dividends	1,467.10
Other expenditures	1,017,651.81
Total expenditures, 1905	1,370,604.67
Business 1905	
Risks written	15,211,749.00
Premiums thereon	395,218.00
Losses incurred	347,532.18
Nevada Business	
Policies in force	12,000.00

ROBERT D. LAY, Secretary
W. W. OLDS, Manager, Reno, Nev.

ANNUAL STATEMENT

Of The Home Life Ins. Co. of New York, New York.

Capital (paid up)	\$125,000.00
Assets	17,886,594.48
Liabilities, exclusive of capital and net surplus	16,582,194.41
Income	
Premiums	3,211,142.68
Other sources	829,260.70
Total income, 1905	4,040,403.38
Expenditures	
Losses and claims	1,176,506.07
Dividends	270,227.50
Other expenditures	1,222,656.72
Total expenditures, 1905	2,669,490.29
Business 1905	
Risks written	12,698,429.00
Premiums thereon	681,869.97
Losses incurred	759,291.93
Nevada Business	
Risks written	5,000.00
Premiums received	3,452.61
Losses paid	2,500.00
Losses incurred	none

E. W. SLAYDEN, Secretary

ORDINANCE NO. 112.

On Ordinance for the Licensing of Games and Gambling Devices in Carson City.

The Board of Trustees of Carson City do ordain:

Section 1. Each and every person, firm, company, corporation, or association within the limits of Carson City, who shall carry on as agent, manager, owner or proprietor, any game of faro, roulette, rondo, keno, or any other game not prohibited by the statutes of the State of Nevada, or who shall carry on or operate any machine in the slot-machine, or who shall carry on or conduct any banking game played with cards, dice or other device, whether the same be played with money, checks, credit or any other valuable thing or representative of value, shall pay for and obtain a city license to carry on such game, and shall pay for each license twenty-five dollars (\$25.00) per month provided that when more than one of said games are carried on in the same room or apartment, whether by the same or different owners, each game so carried on shall be separately licensed; and provided further, that the license imposed by this Ordinance is for the revenue only, and not for the purpose of prohibition, suppression or regulation.

Section 2. The provisions of this Ordinance shall apply to all time on and after October 1, 1905.

Section 3. Ordinance Number 53 and all other ordinances or parts of Ordinances in so far as they conflict with the provisions of this Ordinance are hereby repealed.

President of the Board of City Trustees of Carson City, Nevada.

Attest:
H. B. Van Eulen, Clerk.

Ho. For the West.

Tell your friends that the colonist rates are going into effect March 1st, 1906 and expire May 15, 1906. The rate from Chicago, Ill. \$34.00, St. Louis, Mo., New Orleans, La. \$20.00, Omaha, Neb., Kansas City, Mo., Minn. & Tex. as and Houston Texas, \$25.00. Rates apply to Main Line points in California and Nevada.

ANNUAL STATEMENT

Of The Fidelity and Casualty Co. of New York.

Capital (paid up)	\$50,000.00
Assets	7,500,842.55
Liabilities, exclusive of capital and net surplus	4,965,898.35
Income	
Premiums	5,215,947.14
Other sources	372,736.16
Total income, 1905	5,588,683.30
Expenditures	
Losses	2,086,267.25
Dividends	95,000.00
Other expenditures	2,954,147.89
Total expenditures, 1905	5,135,415.14
Business 1905	
Risks written	1,114,192,292.71
Premiums thereon	5,657,022.61
Losses incurred	3,024,107.32
Nevada Business	
Risks written	6,000.00
Premiums received	32.53

ROBERT J. HILLAS, Secretary

ANNUAL STATEMENT

Of The Continental Casualty Company of Hammond Indiana.

General office, Chicago, Ills.

Capital (paid up)	\$300,000.00
Assets	1,708,011.28
Liabilities, exclusive of capital and net surplus	1,157,691.50
Income	
Premiums	2,120,749.67
Other sources	30,476.73
Total income, 1905	2,150,226.40
Expenditures	
Losses	999,904.87
Dividends	16,500.00
Other expenditures	1,113,131.64
Total expenditures, 1905	2,129,536.51
Business 1905	
Risks written	none
Premiums	2,033,875.22
Losses incurred	1,009,644.51
Nevada Business	
Risks written	none
Premiums received	20,025.50
Losses paid	8,544.60
Losses incurred	8,624.60

A. A. SMITH, Secretary